

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Rodolfo Valenzuela,
Plaintiff,

v.

Francois Alvandi, et al.,
Defendant.

Case No.: 2:24-cv-00760-GMN-BNW

ORDER

Defendants filed a motion requesting that plaintiff file a more definite statement under Fed. R. Civ. P 12(e). ECF No. 8. The basis for the request is that plaintiff has filed three different complaints against defendants. In addition, defendants request additional time to respond to the complaint. *Id.* Plaintiff has not opposed the request. As a result, defendants' motion is granted under Local Rule 7-2(d). In addition, plaintiff should note that the rules governing cases in federal court allow there to be only *one* operative "complaint" in a lawsuit. *See* Fed. R. Civ. P. 7(a)(1) (allowing only "a complaint"). Plaintiff has filed three separate complaints in this case attempting to raise claims and making allegations against the defendants, which violates the one complaint rule.

Plaintiff shall file an amended complaint by June 15, 2024. Failure to file an amended complaint by that date may result in the recommendation that this case be dismissed. Any responsive pleading will be due 14 days after service of the amended complaint.

If plaintiff chooses to file an amended complaint, the document must be titled "Amended Complaint." The amended complaint must contain a short and plain statement of the grounds for the Court's jurisdiction. *See* Fed. R. Civ. P. 8(a)(1). Additionally, the amended complaint must contain a short and plain statement describing the underlying case and defendants' involvement in the case. *See* Fed. R.

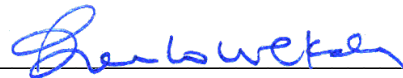
1 Civ. P. 8(a)(2). Although the Federal Rules of Civil Procedure adopt a flexible pleading
2 standard, plaintiff still must give the defendants fair notice of his claims against them
3 and his entitlement to relief.

4 Additionally, plaintiff is advised that if he files an amended complaint, the
5 original complaints no longer serve any function in this case. As such, the amended
6 complaint must be complete in and of itself without reference to prior pleadings or
7 other documents. The Court cannot refer to a prior pleading or other documents to
8 make plaintiff's amended complaint complete.

9 **I. CONCLUSION**

10 Defendants' motion at ECF No. 8 is GRANTED. Plaintiff shall have until June
11 15, 2024, to file an amended complaint. Failure to file an amended complaint by that
12 date may result in the recommendation that this case be dismissed. Any responsive
13 pleading will be due 14 days after service of the amended complaint.

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15 DATED this 15th day of May, 2024.

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18 UNITED STATES MAGISTRATE JUDGE
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